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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,706	07/03/2003	Gregory J. McRae	037010-0106	5054
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FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER TRUONG, LECHI	
			ART UNIT 2194	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/613,706

Applicant(s)

MCRAE ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/2/07, 1/3/05.

  
WILLIAM THOMSON

SUPERVISORY PATENT EXAMINER

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-23 are presented for the examination.
2. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriated, on page 9, para [0042], of the application filed on 07/03/2003).

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-20 are rejected less than 35 U.S.C. 101 because they are directed to non-statutory subject matter.
4. Claims 1-20 are non-statutory because they are software per se embodied in a manner so as to be executable as the only hardware is in an intended use statement.

Claims 1, 11 define "System" in the preamble and the body of the claim recites "application module", "interface module". The application module, interface module appear to be software modules, which are not tangible. Therefore, claims 1, 11, the are non-statutory because it recites a system claims that comprise software per se embodiments.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-5, 9-15, 19, 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM (Extensible markup language-electronic data interchange application architecture, has Flat2 extensible output of customer ERP system to convert flat file into purchase order file) in view of Wright (US 2004/0073505 A1).

As to **claim 1**, IBM teaches the invention substantially as claimed including: one or more application modules (a customer ERP system, page 1, ln 21-22), one or more application modules adapted to receive inputs and/or generate outputs, said inputs and said outputs (page 1, ln 21-23), one interface module (a Flat2 extensible markup language, page 1, ln 21-23 to page 2, ln 1-2), and at least one interface module adapted to communicate with one or more application modules (page 1, ln 21-22), predetermined uniform format( XML, page 2, ln 1-2), said interface module adapted to translate uncertainty information from any one of said application modules to a predetermined uniform format ( page 1-lm 22-23 to page 2, ln 1-2).

IBM does not teach input including uncertainty distribution information. However, Wright teaches uncertainty distribution information (the uncertainties in the various inputs to business models, para [0010], ln 7-13).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of IBM to incorporate the feature of uncertainty distribution information because this provides an easy to use software package that can accurately obtain a certain rate of future performance based on realistic input data has not surfaced.

**As to claim 2**, Wright teaches uncertainty distribution information is indicative of a type of distribution (para [0035], ln 1-2/ para [0045], ln 1-7), and includes data indicative of uncertainty densities (para [0010], ln 7-15).

**As to claim 3**, Wright teaches uniform format is an extensible markup language (XML) format (page 2, ln 1-2).

**As to claim 4**, IBM teaches XML format includes an uncertainty (page 1, 21-23 to page 2, ln 1-3/ since the flat file need to be convert to XML format the flat file include and uncertainty for use). Wright teaches description element and one or more data elements, said data elements being determined according to said description element (para [0045], ln 1-20).

**As to claim 5**, Wright teaches a value of said description element may be one of the sets consisting of normal probability density function, exponential probability density function, polynomial chaos expansion, list of points, and histogram (para [0192], ln 1-6/ para [0026], ln 10-15).

**As to claim 9**, Wright teaches an optimization module adapted to optimize a system uncertainty in response to said application modules (para [0010], ln 7-18).

As to **claim 10**, Wright teaches optimization module is adapted to iterate to a convergence of a mean value (para [0026], ln 10-15/ para [0045], ln 1-10).

As to **claims 11-15, 19**, they are apparatus claims of claims 1-5, 9, 10; therefore, they are rejected for the same reasons as claims 1-5, 9-10 above.

As to **claim 21**, IBM teaches receiving an output from an application module (page 1, ln 21-22) and Wright teaches a set of values (values of the input data, para [0029], ln 1-2/ input variables, para [0045], ln 1-6), an output parameter (output must represent the most likely values of the input data, para [0029], ln 1-2), said output including a set of values for an output parameter (para [0029], ln 1-2, para [0045], ln 1-20), said set of values being indicative of a variance in the output parameter( para[0045], ln 17-22) , a distribution type( these distribution functions, para[0045], ln 1-10/ para[0080], ln 1-5/ the PDF( probability distribution function) by normalizing raw data as show in Equation(6). The Tabular CDP (cumulative distribution function) is created from the PDF by using equation (9), para [0229], ln 11-15/ Equation (30) is only valid if  $x_1 \leq x < X_1$ , para [0221], ln 1/ Equation (32) in only valid if  $x_2 \leq x \leq x_3$ , para [0220], ln 1)), selecting a distribution type from a predetermined list of types (para [0226], ln 1-15), said selecting being based on a distribution of said set of values (para [0045], ln 1-6/ para [0080], ln 1-6), value of one or more characteristic (new set of weighted values for each of the input variables, para[0045], ln 1-10), determining values of one or more characteristic parameters, said characteristic parameters being associated with said selected distribution type( para[0045], ln 1-20).

As to **claim 22**, Wright teaches generating an output set, said output set including said selected distribution type and said values of said characteristic parameters (para [0076], ln 1-10/para [0207], ln 1-3/ para [0229], ln 1-6).

As to **claim 23**, IBM teaches output set is in an XML format( page 2, ln 1-2).

6. Claims **6, 7, 16, 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM (Extensible markup language-electronic data interchange application architecture, has Flat2 extensible output of customer ERP system to convert flat file into purchase order file) in view of Wright (US 2004/0073505 A1), as applied to claim 1 above, and further in view of Hirosawa et al (US. Patent 5,123059).

As to **claim 6**, IBM, Wright do not teaches application modules is associated with an input interface module and an output interface module; wherein said input interface module is adapted to communicate with an output interface module of another application module; and wherein said output interface module is adapted to communicate with an input interface module of another application module. However, Hirosawa teaches application modules is associated with an input interface module and an output interface module; wherein said input interface module is adapted to communicate with an output interface module of another application module; and wherein said output interface module is adapted to communicate with an input interface module of another application module (col 8, ln 35-50/ Fig. 6).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of IBM and Wright to incorporate the feature of output

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interface module is adapted to communicate with an input interface module of another application module because this provides a digital gradation converting circuit for image signal processing which reduces tone discontinuities, false contour lines.

**As to claim 7**, Hirosaw teaches a platform module adapted to control communication with said application modules through at least one interface module, said platform module being adapted to control data flow between said application modules (col 8, ln 35-60/ Fig. 6).

**As to claims 16, 17**, they are apparatus claims of claims 6, 7; therefore, they are rejected for the same reasons as claims 6, 7 above.

7. Claims 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM (Extensible markup language-electronic data interchange application architecture, has Flal2 extensible output of customer ERP system to convert flat file into purchase order file) in view of Wright (US 2004/0073505 A1), as applied to claim 1 above, in view of Hirosawa et al ( US. Patent 5,123059), as applied to claim 1 above, and further in view of EP (Electronic program table selection system displays electronic to desired data or data or the week input using input key by user.

**As to claim 8**, IBM , Wright and Hirosawa do not teach a graphic user interface module for displaying information to a user and receiving inputs from a user. However, EP teaches a graphic user interface module for displaying information to a user and receiving inputs from a user (the user program data of particular data or day of week. the converter converts the user's input into date or day, and program table data corresponding to converted data or day, and



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program table data corresponding to converted date or day stored in memory is extracted by extractor and displayed in display unit, page 1, in 18-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of IBM, Wright and Hirose to incorporate the feature of teach a graphic user interface module for displaying information to a user and receiving inputs from a user because this provides the need or unnecessary input operation for display contents is eliminated.

As to claim 18, it is an apparatus claim of claim 18, therefore, it is rejected for the same reason as claim 18 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

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June 7, 2007

  
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